IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

MFA.No. 401 of 1999()

OPMV.964/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA DT.2.12.1996.
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APPELLANT:

GANGADHARAN, S/O.VELAYUDHAN,
KADAPPURATHU VEEDU
KATTOOR P.O., KALAVOOR, ALAPPUZHA.

BY ADV. SRI.A.KRISHNAN

RESPONDENTS:
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1. CHACKO, S/O.JOSEPH,
KALLANICKAL HOUSE, ARIMANAL,
WARD NO.7, KALIKKAVU
PANCHAYAT, BRANADU TALUK,
MALAPPURAM.

2. THE NEW INDIA ASSURANACE CO.,
LTE., MANJERI BRANCH, MALAPPURAM.

ADDL.R3. KRISHNA KUMAR, KOMALA SADANAM,
KOMANA, AMBALAPUZHA.

ADDL.R4:- AMMUKKUTTY AMMA, ASHA NIKETH,
THAKAZHY, AMBALAPUZHA.

ADDL.R5:- THE ORIENTAL INSURANCE CO., LTD.,
ANNAPOORAI MANDIR, CULLEN ROAD,
ALAPPUZHA.

BY ADV. SMT.A.SREEKALA - R2
SRI.P.V.JYOTHI PRASAD - ADDL. R5

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.401 OF 1999 &
C.M.P.No.2259 of 1999

Dated 28th May, 2007

JUDGMENT

Koshy,J.

C.M.P.No.2259 of 1999 is a petition to condone the delay of 854 days in filing the appeal. The delay condonation petition is originally dated 26th March, 1999 and subsequently corrected as 5th April, 1999. The appellant met with the accident and sustained a fracture below knee. According to the appellant, he has 7% disability. The accident occurred in 1992. The Tribunal awarded Rs.15,750/= with 12% interest. The award is dated 2nd December, 1996. Considering the date of the accident, injuries suffered by the appellant etc. we are of the view that just and reasonable compensation was awarded by the Tribunal. In any event, absolutely no valid reasons are given for condoning the long delay of about three years in filing the appeal. Hence, the delay condonation petition is dismissed. Consequently, the appeal is also dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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